II. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 24-65 and 129-140 are pending in this Application, with Claims 24, 45, and 129 being independent. Applicants have added new Claims 129-161 to afford themselves a scope of protection commensurate with the disclosure. The new claims are fully supported in the specification and Drawings (e.g., see Fig. 12g, the bottom portion), and are believed to be allowable for the reasons to be developed below. With reference to new Claims 141-143, see also, for example, page 20, lines 6-9 and pages 21, lines 9-10 of the present application. With reference to new Claims 144-161, see also, for example, page 8, lines 1-23 and page 13, lines 19-16 of the present application.

The undersigned and Applicants' Canadian representative, Mr. Omar Nassif, would like to thank Examiner Bui for the cordial and productive interview of June 15, 2004. The Examiner's helpful comments and suggestions were instrumental in preparing this response.

As discussed at the interview, Applicants request that the Examiner withdraw the finality of the Election of Species Requirement, and submit that at least Species 5 and 18 (Figs. 5 and 12g) should be examined together. At least Claim 24 is generic to Species 5 and 18. Note, in particular, that the

specification teaches that any of Figs. 1-10 may be modified according to the structures illustrated in Figs 12a-12h. (Note that Applicants respectfully submit that they have not "confirmed" that certain claims are not directed to the elected species.)

As discussed at the interview, Applicants have amended certain claims for clarity with respect to the specification and Drawings, and not in response to any statutory requirement.

As discussed at the interview, independent Claim 24 recites a novel combination of structure and/or function whereby an ***unexpanded*** stent includes a tubular wall having a series of undulating circumferential portions, where each circumferential portion comprises alternating peaks and valleys. The tubular wall also has a plurality of longitudinal portions connecting the series of undulating circumferential portions to form a porous, cylindrical surface. A longitudinal portion connects a peak in a first circumferential portion with a valley in a second circumferential portion (see, e.g., Fig 5). Each longitudinal portion has a flexure member which, in two dimensions, is ***non-sinusoidal and arcuate***. Notably, each flexure member is connected to an adjacent circumferential portion with ***a straight strut portion which is disposed parallel to the longitudinal axis of the stent***.

As discussed at the interview, Israel fails to disclose or suggest flexure members which are non-sinusoidal, arcuate, and connected to an adjacent circumferential portion with a straight strut portion which is disposed parallel to the longitudinal axis of the stent. The flexure members Figs 7 and 8 of Israel are not connected to an adjacent circumferential portion with a straight strut portion which is disposed parallel to the longitudinal axis of the stent. Accordingly, the salient claimed features of the present invention are fully patentable over the cited art.

As also discussed at the interview, independent Claim 45 recites a novel combination of structure and/or function whereby an ***unexpanded*** stent includes a tubular wall having a series of undulating circumferential portions, where the tubular wall also has a plurality of longitudinal portions connecting the undulating circumferential portions. Each of the plurality of longitudinal portions has a flexure member that is (i) non-sinusoidal, (ii) interposed between a pair of straight strut portions which are disposed parallel to a longitudinal axis of the stent, and (iii) arcuate. Again as discussed at the interview, Israel fails to disclose or suggest such features.

As also discussed at the interview, independent Claim 129 recites a novel combination of structure and/or function

whereby an ***unexpanded*** stent includes a tubular wall having a series of undulating circumferential portions, where the tubular wall also has a plurality of longitudinal portions connecting the undulating circumferential portions. Each of the plurality of longitudinal portions has a flexure member that, in two dimensions, is (i) non-sinusoidal, (ii) arcuate, and (iii) comprises a pair of substantially straight strut portions disposed substantially orthogonal to a longitudinal axis of the stent, the pair of substantially straight strut portions being interconnected by a curved portion (see, e.g., the bottom portion of Fig. 12g). Again as discussed at the interview, Israel fails to disclose or suggest such features.

Applicants submit that in view of the above amendments and remarks, this application is in condition for allowance, and a notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500.

All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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